

CITY COUNCIL MEETING
April 21, 1993

PUBLIC HEARING TO CONSIDER APPEAL RECEIVED
FROM GREGG M. YOSHIMOTO, ATTORNEY, ON BEHALF
OF KINUYE YOSHIMOTO REGARDING VEHICLE
ABATEMENT NOTICES, VIOLATION NUMBERS 1657
AND 1658 ISSUED TO 1305 BURGUNDY COURT BY
THE COMMUNITY DEVELOPMENT DIRECTOR ON
JANUARY 21, 1993

CC-6

CC-53(b) /

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pennino called for the Public Hearing to consider appeal received from Gregg M. Yoshimoto, Attorney, on behalf of Kinuye Yoshimoto regarding Vehicle Abatement Notices, Violation Numbers 1657 and 1658 Burgundy Court by the Community Development Director on January 21, 1993.

The following report was presented by Community Development Director Schroeder.

On September 16, 1992 Code Enforcement Officer James H. Siemers identified three abandoned automobiles at 1305 Burgundy Court and informed the property owner, Kinuye Yoshimoto, that they should be removed or concealed from public view. On September 18, 1992 one of the owner's sons contacted the City and asked for additional time so that the automobile could be made operable. The staff agreed to a 90-day extension.

On December 12, 1992 the automobiles had not been moved or made operable. At this point they were ordered removed or the City would have its contract automobile hauler take possession.

Mr. Gregg Yoshimoto, Attorney and a second son of the property owner appealed Mr. Siemers' order to the Community Development Director.

At 10:00 a.m., Thursday, January 21, 1993 the Community Development Director conducted a hearing on the appeal of the order of James H. Siemers, Code Enforcement Officer, to abate, by removal, the following vehicles from 1305 Burgundy Court.

1. 1982 Audi, CA Plate 1DWW832
2. 1978 Chrysler, CA Plate 371UVO
3. 1982 Dodge Van, Oregon Plate NXM432

At the conclusion of the hearing the Community Development Director made the following findings:

1. The 1982 Audi was in fact operable and ordered the file closed and that no further action be taken;

CITY COUNCIL MEETING
April 21, 1993

2. The 1978 Chrysler was inoperable and unlicensed and ordered that it be removed from 1305 Burgundy Court or hidden from view within 60 days (i.e. March 22, 1993); and
3. The 1982 Dodge Van was inoperable and ordered that it be removed from 1305 Burgundy Court or hidden from view within 60 days (i.e. March 22, 1993).

Present at the hearing were Kinuye Yoshimoto, Gregg Yoshimoto, Code Enforcement Officer James Siemers, City Attorney, Bob McNatt and the Community Development Director.

Since special circumstances existed, the Community Development Director extended the appeal period from 15 days to 45 days and allowed the 60 day abatement period.

As of April 13, 1993 the 1978 Chrysler and 1982 Dodge Van were in the same locations as they were during the period before the Community Development Director's hearing.

It should be noted that this is the first abandoned automobile appeal to come before the City Council since the private property program was started over 20 years ago.

Mayor Pennino opened the hearing to the public. Speaking on the matter were the following persons:

- a) The appellant, Gregg Yoshimoto, 1305 Burgundy Court; and
- b) Virginia Snyder, 412 East Oak Street, Lodi.

There being no one else wishing to speak on the matter, the Mayor closed the public portion of the meeting.

Following discussion among the City Council, staff and those who had given testimony, the City Council, on motion of Council Member Mann, Sieglock second, unanimously denied the appeal received from Gregg M. Yoshimoto, Attorney, on behalf of Kinuye Yoshimoto regarding Vehicle Abatement Notices, Violation Numbers 1657 and 1658 issued to 1305 Burgundy Court by the Community Development Director on January 21, 1993.



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Appeal Received from Gregg M. Yoshimoto, Attorney, on behalf of Kinuye Yoshimoto Regarding Vehicle Abatement Notices Numbers 1657 and 1658 Issued to 1305 Burgundy Court by the Community Development Director

MEETING DATE: April 21, 1993

PREPARED BY: Community Development Director

RECOMMENDED ACTION: That the City Council conduct a public hearing to consider the appeal of Gregg Yoshimoto, Attorney, on behalf of Kinuye Yoshimoto regarding Vehicle Abatement Notices Numbers 1657 and 1658 issued to 1305 Burgundy Court by the Community Development Director, and take appropriate action.

BACKGROUND INFORMATION: On September 16, 1992 Code Enforcement Officer James H. Siemers identified three abandoned automobiles at 1305 Burgundy Court and informed the property owner, Kinuye Yoshimoto, that they should be removed or concealed from public view. On September 18, 1992 one of the owner's sons contacted the City and asked for additional time so that the automobile could be made operable. The staff agreed to a 90 day extension.

On December 12, 1992 the automobiles had not been moved or made operable. At this point they were ordered removed or the City would have its contract automobile hauler take possession.

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At the conclusion of the hearing the Community Development Director made the following findings:

1. The 1982 Audi was in fact operable and ordered the file closed and that no further action be taken;

APPROVED: _____

Thomas A. Peterson
THOMAS A. PETERSON
City Manager



CC-1

2. The 1978 Chrysler was inoperable and unlicensed and ordered that it be removed from 1305 Burgundy Court or hidden from view within 60 days (i.e. March 22, 1993); and
3. The 1982 Dodge Van was inoperable and ordered that it be removed from 1305 Burgundy Court or hidden from view within 60 days (i.e. March 22, 1993).

Present at the hearing were Kinuye Yoshimoto, Gregg Yoshimoto, Code Enforcement Officer James Siemers, City Attorney, Bob McNatt and the Community Development Director.

Since special circumstances existed, the Community Development Director extended the appeal period from 15 days to 45 days and allowed the 60 day abatement period.

As of April 13, 1993 the 1978 Chrysler and 1982 Dodge Van were in the same locations as they were during the period before the Community Development Director's hearing.

It should be noted that this is the first abandoned automobile appeal to come before the City Council since the private property program was started over 20 years ago.

FUNDING: None required.


James B. Schroeder
Community Development Director

JBS/cg

Attachments

CITY COUNCIL

PHILLIP A. PENNING, Mayor
JACK A. SIEGLOCK
Mayor Pro Tempore
RAY G. DAVENPORT
STEPHEN J. MANN
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
FAX (209) 333-6795

THOMAS A. PETERSON
City Manager
JENNIFER M. PERRIN
City Clerk
BOB McNATT
City Attorney

January 22, 1993

Mr. Greg Y. Yoshimoto
234 Maple Street, Suite C
Manteca, CA 95336

Dear Mr. Yoshimoto:

RE: Hearing on Vehicle Abatement Notices
Violation 1656, 1982 Audi
Violation 1657, 1978 Chrysler
Violation 1658, 1982 Dodge Van

At 10:00 a.m., Thursday, January 21, 1993 the Community Development Director conducted a hearing on your appeal of the order of James H. Siemers, Code Enforcement Officer, to abate, by removal, the following vehicles from 1305 Burgundy Court.

1. 1982 Audi, CA Plate 1DWW832
2. 1978 Chrysler, CA Plate 371UV0
3. 1982 Dodge Van, Oregon Plate NXM432

At the conclusion of the hearing the Community Development Director made the following findings:

1. The 1982 Audi was in fact operable and ordered the file closed and that no further action be taken;
2. The 1978 Chrysler was inoperable and unlicensed and ordered that it be removed from 1305 Burgundy Court or hidden from view within 60 days (i.e. March 22, 1993); and
3. The 1982 Dodge Van was inoperable and ordered that it be removed from 1305 Burgundy Court or hidden from view within 60 days (i.e. March 22, 1993).

If you or the property owner, Kinuye Yoshimoto, wish to appeal any or all of the above orders to the City Council you may do so in writing within 45 days. Your appeal, if any, should be directed to Jennifer Perrin, City Clerk, and must be received by her by 5:00 p.m., Monday, March 15, 1993.

Sincerely,


JAMES B. SCHROEDER
Community Development Director

cc: Kinuye Yoshimoto
City Attorney
Code Enforcement Officer

City of Kodi - Community Development Department
Code Compliance - Building Inspection Division
Substandard Building Abatement - 1988 UHC or 1988 UCADB

COMPLAINT FORM

92 306

Complaint Date: 12/11/92

Situs Address: 1305 Burgundy Ct AP #

Complainant: Ph #

Address: city/st

COMPLAINT DESCRIPTION

Abandoned vehicles (Case 1165) Audi 1DWK832
(Case 1165) Chrysler 371UVO
(previously 11655 -> (Case 11658) Dodge NXM432 (previously 11655))

Assigned to: Date:



CITY OF LODI
Community Development Department
221 West Pine Street
Lodi, California 95211-1910
Telephone (209) 333-6711

**Notice of Intention to Abate and
Remove an Abandoned, Wrecked,
Dismantled, or Inoperative Vehicle or
Parts Thereof as a Public Nuisance.**

Location of Vehicle 1305 Burgundy St Violation No. 1535
Year 82 Make Dodge Model _____
Lic. No. 1X1132 (Oregon) V.I.N. 234631E16K134495 Body Type Van
Property Owner Kinuya Yoshimoto
Address 1305 Burgundy St, Lodi, CA 95242
Registered Owner Craig M Yoshimoto
Address 3009 E 17th Av, Eugene, Or 97403
Legal Owner _____
Address _____
Other _____
Address _____

You as property and/or vehicle owner are hereby notified that the undersigned, pursuant to section 10.56.020 Lodi Municipal Code, has determined that there exists upon said land an abandoned, wrecked, dismantled or inoperative vehicle or parts of a vehicle which constitutes a public nuisance. You as property and/or vehicle owner are hereby notified to abate said nuisance by the removal of said vehicle or said parts of a vehicle within ten (10) days from the date of mailing of this notice, and upon your failure to do so the same will be abated and removed by the City of Lodi. The costs thereof, together with administrative costs, may be assessed to the owner of the land on which said vehicle or said parts of a vehicle are located. The property owner or vehicle owner may, within ten (10) days after the mailing of this notice of intention, request a public hearing, and if such a request is not received by this department within such ten (10) day period, the City of Lodi shall have the authority to abate and remove said vehicle or said parts of a vehicle as a public nuisance and assess the costs as aforesaid without a public hearing. The property owner may submit a sworn written statement within such ten (10) day period denying responsibility for the presence of said vehicle or said parts of a vehicle on said land, with any reasons for denial, and such statement shall be construed as a request for a hearing at which the property owner's presence is not required. You may as the property or vehicle owner appear in person at any hearing requested by you or, in lieu thereof, the property owner may present a sworn written statement as aforesaid in time for consideration at such hearing. If it is determined that the vehicle was placed on the land without the consent of the owner of the land and that he has not acquiesced in its presence, the costs of administration or removal of the vehicle shall not be assessed against the property upon which the vehicle is located.

THIS CODE DOES NOT APPLY to a vehicle, or parts thereof, which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property, or which is located behind a solid fence six feet in height.

Code Enforcement Officer J.H. Steners Date Mailed 12-11-92

Vehicle Removed By _____ Signature _____ Date _____
(Owner or Tow Service)

Case Fined By _____ Date 12-11-92

Remarks:

*Dodge still there
2 at this time
as well.
Lake new
pic + shot
new case.*

Case case

Chapter 10.56

REMOVAL OF VEHICLES

Sections:

- 10.56.010 Removal from streets and/or from privately owned or publicly owned parking facilities.**
- 10.56.020 Removal from private property.**

- 10.56.010 Removal from streets and/or from privately owned or publicly owned parking facilities.**

Any officer of the police department or regularly employed or salaried employee who is engaged in enforcing parking laws and regulations of the city may remove or cause to be removed a vehicle in accordance with the provisions of the Vehicle Code and the following:

A. Any vehicle that has been parked or left standing upon a street or alley for seventy-two or more consecutive hours.

B. Any vehicle which is parked or left standing upon a street when such parking or standing is prohibited by ordinance or resolution and signs are posted giving notice of removal.

C. Any vehicle which is parked or left standing upon a street where the use of such street or any portion thereof is necessary for the cleaning, repair or construction of the street or for the installation of underground utilities, or where the use of the street or any portion thereof is necessary for the movement of equipment, tractors or structures of unusual size, and the parking of such vehicle would prohibit or interfere with

such use or movement; provided, that signs giving notice that such vehicle may be removed are erected or placed at least twenty-four hours prior to the removal. (Vehicle Code § 22650 et seq.) (Ord. 1402 § 1 (part), 1987)

10.56.020 Removal from private property.

A. Findings and Declarations. In addition to and in accordance with the determination made and the authority granted by the state under Section 22660 of the Vehicle Code to remove abandoned, wrecked, dismantled or inoperative vehicles or parts thereof as public nuisances, the council makes the following findings and declarations: The accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof on private or public property, not including highways, is found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects, and to be injurious to the health, safety and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or parts thereof on private or public property, not including highways, except as expressly hereinafter permitted, is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this chapter.

B. Definitions. As used in this chapter:

1. "Public property" does not include "highway."

2. "Owner of land" means the owner of the land on which the vehicle, or parts thereof, is located, as shown on the last equalized assessment roll.

C. Exceptions. This chapter shall not apply to:

1. A vehicle, or parts thereof, which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or

2. A vehicle, or parts thereof, which is located behind a solid fence six feet or more in height or which is not plainly visible from a highway; or

3. A vehicle, or parts thereof, which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, or junk dealer, or when such storage or parking is necessary to the operation of a lawfully-conducted business or commercial enterprise. Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under provisions of law other than Chapter 10 (commencing with Section 22650) of Division 11 of the Vehicle Code and this chapter.

D. Nonexclusive Regulations. This chapter is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the city. It shall supplement and be in addition to the other regulatory codes, statutes and ordinances heretofore or hereafter enacted by the city, the state or any other legal entity or agency having jurisdiction.

E. Administration. Except as other-

wise provided in this chapter, the provisions of this chapter shall be administered and enforced by the community development director. In the enforcement of this chapter, such officer and deputies may enter upon private or public property to examine a vehicle, or parts thereof, or obtain information as to the identity of a vehicle (and to remove or cause the removal of a vehicle or parts thereof) declared to be a nuisance pursuant to this chapter.

F. Contractor or Franchise Holder — Entry to Remove Vehicle. When the council has contracted with or granted a franchise to any person or persons, such person or persons shall be authorized to enter upon private property or public property to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this chapter.

G. Administrative Costs. The council shall from time to time determine and fix an amount to be assessed as administrative costs (excluding the actual cost of removal of any vehicle or parts thereof) under this chapter.

H. Community Development Director — Authority to Cause Abatement. Upon discovering the existence of an abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof, on private property or public property within the city, the community development director shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed in this section.

I. Notice of Intention. A ten-day notice of intention to abate and remove the vehicle, or parts thereof, as a public

nuisance shall be mailed by registered mail to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. The notice of intention shall be in substantially the following form:

**NOTICE OF INTENTION TO
ABATE AND REMOVE AN ABAN-
DONED, WRECKED, DIS-
MANTLED, OR INOPERATIVE
VEHICLE OR PARTS THEREOF
AS A PUBLIC NUISANCE**

(Name and Address of Owner of the
Land)

As owner shown on the last equalized assessment roll of the land located at (address), you are notified that the undersigned, pursuant to Ordinance No. _____, has determined that there exists upon said land an (or parts of an) abandoned, wrecked, dismantled, or inoperative vehicle registered to _____, license number _____, which constitutes a public nuisance pursuant to the provisions of Ordinance No. _____

You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within 10 days from the date of mailing of this notice and, upon your failure to do so, the same will be abated and removed by the City and the costs thereof, together with administrative costs, assessed to you as owner of the land on which said vehicle (or said parts of a vehicle) is located.

As owner of the land on which said vehicle (or said parts of a vehicle) is located, you are hereby notified that you may, within 10 days after the mailing of this notice of intention, request a public hearing and, if such a request is not received by the Community Development Director within such 10-day period, the Community Development Director shall have the authority to abate and remove said vehicle (or said parts of a vehicle) as a public nuisance and assess the costs as aforesaid without a public hearing. You may submit a sworn written statement within such 10-day period denying responsibility for the presence of said vehicle (or said parts of a vehicle) on said land, with your reasons for denial, and such statement shall be construed as a request for a hearing at which your presence is not required. You may appear in person at any hearing requested by you or the owner of the vehicle, or in lieu thereof, may present a sworn written statement as aforesaid in time for consideration at such hearing.

Notice Mailed _____ s/ _____
(Date) Community
Development
Director

NOTICE OF INTENTION TO
ABATE AND REMOVE AN ABAN-
DONED, WRECKED, DIS-
MANTLED, OR INOPERATIVE
VEHICLE OR PARTS THEREOF
AS A PUBLIC NUISANCE

(Name and address of last registered
and/or legal owner of record of vehicle
— Notice should be given to both if
different)

As last registered (and/or legal)
owner of record of (description of
vehicle — make, model, license, etc.),
you are hereby notified that the under-
signed, pursuant to Ordinance No.
_____, has determined that said
vehicle (or parts of a vehicle) exists as
an abandoned, wrecked, dismantled,
or inoperative vehicle at (described
location on public or private property)
and constitutes a public nuisance pur-
suant to the provisions of Ordinance
No. _____

You are hereby notified to abate
said nuisance by the removal of said
vehicle (or said parts of a vehicle)
within 10 days from the date of mailing
of this notice.

As registered (and/or legal) owner of
record of said vehicle (or said parts of a
vehicle), you are hereby notified that
you may, within 10 days after the mail-
ing of this notice of intention, request a
public hearing and, if such a request is
not received by the Community
Development Director within such 10-
day period, the Community Develop-
ment Director shall have the authority
to abate and remove said vehicle (or
said parts of a vehicle) without a hear-
ing.

Notice Mailed _____ s/_____
 (Date) Community
 Development
 Director

J. Public Hearing. Upon request by the owner of the vehicle or owner of the land, received by the community development director within ten days after the mailing of the notices of intention to abate and remove, a public hearing shall be held by the community development director on the question of abatement and removal of the vehicle or parts thereof as an abandoned, wrecked, dismantled or inoperative vehicle, and the assessment of the administrative costs and the cost of removal of the vehicle or parts thereof against the property on which it is located.

If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his/her land within such ten-day period, said statement shall be construed as a request for a hearing, which does not require the owner's presence. Notice of the hearing shall be mailed, by registered mail, at least ten days before the hearing, to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. If such a request for hearing is not received within said ten days after mailing of the notice of intention to abate and remove, the city shall have the authority to abate and remove the vehicle or parts thereof as a public nuisance without holding a public hearing.

K. Public Hearing by Community Development Director.

1. All hearings under this chapter shall be held before the community development director who shall hear all facts and testimony he/she deems pertinent. Such facts and testimony may include testimony on the condition of the vehicle or parts thereof and the circumstances concerning its location on the private property or public property. The community development director shall not be limited by the technical rules of evidence. The owner of the land may appear in person at the hearing or present a sworn written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with reasons for such denial.

2. The community development director may impose such conditions and take such other action he/she deems appropriate under the circumstances to carry out the purpose of this chapter. The community development director may delay the time for removal of the vehicle or parts thereof if, in his/her opinion, the circumstances justify it. At the conclusion of the public hearing, the community development director may find that a vehicle or parts thereof has been abandoned, wrecked, dismantled or is inoperative on private or public property and order the same removed from the property as a public nuisance and disposed of as hereinafter provided and determine the administrative costs and the cost of removal to be charged against the owner of the land. The order requiring removal shall include a description of

the vehicle or parts thereof and the correct identification number and license number of the vehicle, if available at the site.

3. If it is determined at the hearing that the vehicle was placed on the land without the consent of the owner of the land and that the owner has not subsequently acquiesced in its presence, the community development director shall not assess the costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such owner of the land.

4. If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his/her land but does not appear, or if an interested party makes a written presentation to the community development director but does not appear, the owner or interested party shall be notified in writing of the decision.

L. Appeal to Council.

1. Any interested party may appeal the decision of the community development director by filing a written notice of appeal with the community development director within five days after the decision.

2. Such appeal shall be heard by the council which may affirm, amend, or reverse the order or take other action deemed appropriate.

3. The city clerk shall give written notice of the time and place of the hearing to the appellant and those persons specified in this title.

4. In conducting the hearing, the

council shall not be limited by the technical rules of evidence.

M. Removal of Vehicles. Five days after adoption of the order declaring the vehicle or parts thereof to be a public nuisance, five days from the date of mailing of notice of the decision if such notice is required by subsection K of this section, or fifteen days after such action of the governing body authorizing removal following appeal, the vehicle or parts thereof may be disposed of by removal to a scrapyard or automobile dismantler's yard. After a vehicle has been removed, it shall not thereafter be reconstructed or made operable.

N. Notice to Department of Motor Vehicles. Within five days after the date of removal of the vehicle or parts thereof, notice shall be given to the Department of Motor Vehicles identifying the vehicle or parts thereof removed. At the same time, there shall be transmitted to the Department of Motor Vehicles any evidence of registration available, including registration certificates, certificates of title and license plates.

O. Assessment of Costs. If the administrative costs and the cost of removal which are charged against the owner of a parcel of land pursuant to subsection K of this section are not paid within thirty days of the date of the order or the final disposition of an appeal therefrom, such costs shall be assessed against the parcel of land pursuant to Section 38773.5 of the Government Code and shall be transmitted to the tax collector for collection. The assessment shall have the same priority as other city taxes.

10.56.020

P. Unlawful to Abandon, Park, Store or Leave Vehicle. It shall be unlawful for any person to abandon, park, store or leave or permit the abandonment, parking, storing or leaving of any licensed or unlicensed vehicle or parts thereof which is in an abandoned, wrecked, dismantled or inoperative condition upon any private property or public property, not including highways, within the city for a period in excess of seven days unless such vehicle or parts thereof is completely enclosed within a building in a lawful manner where it is not plainly visible from the street or other public or private property, or unless such vehicle is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, or a junkyard, or when such storage or parking is necessary to the operation of a lawfully-conducted business or commercial enterprise.

Q. Unlawful to Refuse to Comply With Order. It shall be unlawful for any person to fail or refuse to remove an abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof, or refuse to abate such nuisance when ordered to do so in accordance with the abatement provisions of this chapter or state law where such state law is applicable. (Vehicle Code § 22660) (Ord. 1402 § 1 (part), 1987)

DECLARATION OF MAILING

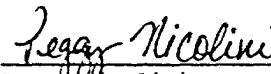
On March 19, 1993 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 19, 1993, at Lodi, California.

Jennifer M. Perrin
City Clerk


Peggy Nicolini
Deputy City Clerk



CITY OF LODI

CARNEGIE FORUM
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: April 21, 1993

Time: 7:00 p.m.

For information regarding this Public Hearing
Please Contact:

Jennifer M. Perrin
City Clerk

Telephone: 333-6702

Exhibit "A"

NOTICE OF PUBLIC HEARING

April 21, 1993


NOTICE IS HEREBY GIVEN that on Wednesday, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing to consider the following matter:

- a) Appeal received from Gregg M. Yoshimoto, Attorney, on behalf of Kinuye Yoshimoto regarding Vehicle Abatement Notices, Violation Numbers 1657 and 1658 issued by the Community Development Director on January 21, 1993

Information regarding this item may be obtained in the office of the Community Development Director at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.


If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order Of the Lodi City Council:


Jennifer M. Perrin
City Clerk

Dated: March 17, 1993

Approved as to form:


Bobby W. McNatt
City Attorney

YOSHIMOTO PUBLIC HEARING

MAILING LIST

EXHIBIT "B"

Gregg M. Yoshimoto
1305 Burgandy Court
Lodi, California 95242

Kinuye Yoshimoto
1305 Burgandy Court
Lodi, California 95242

Jim Schroeder
Community Development Director
City of Lodi

MEMORANDUM

To: File

From: Jennifer M. Perrin *JMP*
City Clerk

Date: April 30, 1993

Subject: Public Hearing Regarding Appeal from Gregg Yoshimoto

At approximately 10:45 a.m., Community Development Director Jim Schroeder informed me that Gregg Yoshimoto called earlier this morning and said that he had not received the attached letter that Mr. Schroeder mailed to him certified mail.

Mr. Schroeder then informed me that in response to this phone call, he faxed the letter to Mr. Yoshimoto at approximately 10:30 a.m.

JMP

CITY COUNCIL

PHILLIP A. PENNINO, Mayor
JACK A. SIEGLOCK
Mayor Pro Tempore
RAY G. DAVENPORT
STEPHEN J. MANN
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
FAX (209) 333-6795

THOMAS A. PETERSON
City Manager

JENNIFER M. PERRIN
City Clerk

BOB McNATT
City Attorney

RECEIVED

93 APR 23 PM 1:13

JENNIFER M. PERRIN
CITY CLERK
CITY OF LODI

April 23, 1993

Mr. Greg M. Yoshimoto
234 Maple Street, Suite C
Manteca, CA 95336

Dear Mr. Yoshimoto:

Re: Appeal of Community Development Director's Order
Vehicle Abatement Notices
Violation 1657, 1978 Chrysler
Violation 1658, 1982 Dodge Van
1305 Burgundy Court, Lodi, CA

At its meeting of Wednesday, April 21, 1993 the Lodi City Council conducted a public hearing on your appeal on behalf of Kinuye Yoshimoto regarding Vehicle Abatement Notices 1657 and 1658 issued to 1305 Burgundy Court by the Community Development Director to remove the following abandoned vehicles:

1. 1978 Chrysler, CA plate 371UV0
2. 1982 Dodge Van, Oregon plate NXM432

At the conclusion of the public hearing the City Council made the following findings:

1. The 1978 Chrysler was inoperable and unlicensed and ordered that it be removed from 1305 Burgundy Court or hidden from view; and
2. The 1982 Dodge Van was inoperable and ordered that it be removed from 1305 Burgundy Court or hidden from view.

Section 10.56.020 M of the Lodi Municipal Code provides, in part, as follows:

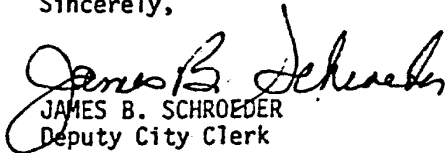
"M. Removal of Vehicles. ...fifteen days after such action of the governing body authorizing removal, following appeal, the vehicle or parts thereof may be disposed of by removal

Mr. Greg M. Yoshimoto
April 23, 1993
Page 2.

to a scrapyard or automobile dismantler's yard. After a vehicle is removed, it shall not thereafter be reconstructed or made operable."

If the above identified automobiles have not been removed from 1305 Burgundy Court or hidden from view by 8:00 a.m., Friday, May 7, 1993, the City's Code Enforcement Officer will order them removed by the City's contract dismantler.

Sincerely,


JAMES B. SCHROEDER
Deputy City Clerk

cc: Code Enforcement Officer
City Attorney
Address File